

UNITED STATES DISTRICT COURT
for
EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

U.S.A. vs. Eric Dunston

Docket No. 5:03-CR-203-1BO

Petition for Action on Supervised Release

COMES NOW Timothy L. Gupton, probation officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Eric Dunston, who, upon an earlier plea of guilty to 18 U.S.C. §§ 922(g)(1) and 924: Felon in Possession of a Firearm, was sentenced by the Honorable Terrence W. Boyle, U.S. District Judge, on May 3, 2004, to the custody of the Bureau of Prisons for a term of 96 months. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for 60 months under the standard conditions adopted by the court and the following additional conditions:

1. The defendant shall consent to a warrantless search by a United States Probation Officer or, at the request of the probation officer, any other law enforcement officer, of the defendant's person and premises, including any vehicle, to determine compliance with the conditions of this judgment.
2. The defendant shall participate as directed in a program approved by the probation office for the treatment of narcotic addiction, drug dependency, or alcohol dependency which will include urinalysis testing or other drug detection measures and may require residence or participation in a residential treatment facility.
3. The defendant shall support his dependents.

Eric Dunston was released from custody on August 27, 2010, at which time the term of supervised release commenced.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:

On September 9, 2010, the defendant tested positive for marijuana, and on October 19, 2010, he tested positive for cocaine. When confronted by this probation officer, the defendant acknowledged using cocaine on October 14, 2010, and also admitted that he used marijuana on two occasions since his release from the Bureau of Prisons. In view of this drug use, enrollment in the DROPS Program and completion of a 5-day period of incarceration are recommended. The defendant has also been enrolled in substance abuse counseling. The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

Eric Dunston
Docket No. 5:03-CR-203-1BO
Petition For Action
Page 2

PRAYING THAT THE COURT WILL ORDER that supervised release be modified as follows:

1. The defendant shall be confined in the custody of the Bureau of Prisons for a period of 5 days and shall abide by all rules and regulations of the designated facility.
2. While under supervision in the Eastern District of NC, the defendant shall participate in the DROPS Program and, in response to detected illegal drug use, shall be confined in the custody of the Bureau of Prisons for a period not to exceed 30 days of intermittent confinement, as arranged by the probation office, in the following increments: First Use - Two Days; Second Use - Five Days; Third Use - Ten Days. The defendant shall begin the DROPS Program in the third use level.

Except as herein modified, the judgment shall remain in full force and effect.

Reviewed and approved,

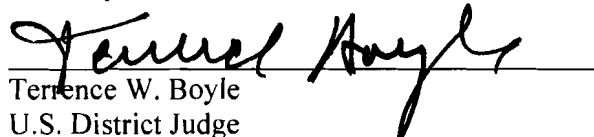
I declare under penalty of perjury that the foregoing is true and correct.

/s/ Michael C. Brittain
Michael C. Brittain
Senior U.S. Probation Officer

/s/ Timothy L. Gupton
Timothy L. Gupton
U.S. Probation Officer
310 New Bern Avenue, Room 610
Raleigh, NC 27601-1441
Phone: (919) 861-8660
Executed On: November 4, 2010

ORDER OF COURT

Considered and ordered this 4 day of November, 2010, and ordered filed and made a part of the records in the above case.


Terrence W. Boyle
U.S. District Judge